

RESPONSE TO FINAL OFFICE ACTION

Serial Number: 09/713,545

Filing Date: November 15, 2000

Title: PROCESS FOR AMPLIFYING A TARGET POLYNUCLEOTIDE SEQUENCE USING A SINGLE PRIMER-PROMOTER COMPLEX

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REMARKS

Pending are claims 42 and 44-54. Applicants thank the Examiner for reviewing the information disclosure statement (IDS) and for withdrawing the rejections with regard to the teachings of Kwoh et al and Gingeras et al.

Section 112, first paragraph

The claims were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, because the rejected claims allegedly encompassed embodiments where multiple primer/promoter sets are used to amplify the different target sequences within the sample. The Office Action suggested amending claims 42 and 53 with the phrasing: "with a single primer linked to an RNA polymerase promoter."

In response, Applicants have made that change in claims 42 and 53 to only encompass a single primer. It is believed that this ground for rejection can be withdrawn.

Double Patenting

The Office Action also rejected claims 42 and 44-54 under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,291,170 B1 and requested that a terminal disclaimer be filed. Likewise, all claims were rejected for obviousness-type double patenting over claims 1-14 of U.S. Patent No. 5,891,636. And finally all claims were rejected over claims 1, 4-6 of U.S. Patent No. 5,545,522.

A Terminal Disclaimer has been prepared for each of the above-mentioned parent patents.

Information Disclosure Statement

Applicants have recently become aware of additional references, which are enclosed.

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Conclusion

Having responded to all the grounds for rejection, the Applicants respectfully request a Notice of Allowance to be issued expeditiously. The Commissioner of Patents and Trademarks is hereby given the power to charge the account on the attached Credit Card Information and Authorization for any additional fee or to credit any overpayment.

Respectfully submitted,
By their Representative,

Date Sept 7, 2005By Barbara J. LutherBarbara J. Luther
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of September, 2005.

Barbara J. Luther

Name

Barbara J. Luther
Signature